

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 2 TO ADD SECTIONS 3-332 AND 5-3200 TO PERMIT THE USE OF DENSITY FROM ADJOINING PARCELS IN THE RA AND RC ZONES WITHOUT PARCEL CONSOLIDATION WITH SPECIAL EXCEPTION APPROVAL

WHEREAS, the Board of Supervisors has reviewed a proposed text amendment which would permit the use of residential density from an adjoining parcel temporarily encumbered by a special exception which precludes residential development or which is not in common ownership with the adjoining parcel as is currently permitted upon consolidation of adjoining parcels in the RA and RC zones; and

WHEREAS, the Board of Supervisors has determined, after a duly conducted public hearing, that the adoption of the proposed text amendments is appropriate and in the public interest, and is consistent with good zoning practice and public convenience; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of May 2007,
That the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

PROPOSED TEXT:

**5-3200 Standards to Permit the Use by an Adjacent Property of Residential
Density of a Parcel by Special Exception Without Consolidation of
Parcels.**

The residential density of a parcel located within an RA or RC zone and which a) is subject to a temporary restriction on residential development because the property is the subject of a special exception for non-residential use or b) is in separate ownership which precludes consolidation with an adjoining parcel or c) is in common ownership with the adjoining parcel where the owner does not desire to consolidate the parcels may be utilized for subdivision on an adjoining RA or RC zoned property provided that the owner obtains a special exception to permit such use and further provided that the following conditions are met:

1. The property which is subject to the temporary restriction upon residential development or which is the source of the density shall be subjected to an easement which precludes residential development of the subject property in perpetuity.
2. The residential density shall be utilized on the adjacent parcel by mutual agreement between the adjoining property owners upon joint application for the required special exception and upon

imposition of the required permanent easement referred to in paragraph 1.

3. The development of the parcels shall comply with all requirements of this ordinance, including but not limited to the open space requirements of Section 2-406 unless the applicant has obtained a reduction in open space pursuant to Section 5-2600 of this ordinance; the terms of the easement required by paragraph 1 above may be considered as a factor in determining whether the requirements of Section 5-2600 are met with respect to the proposed special exception for reduction in open space.

3-332

Amend zoning matrix to include Special Exception to Permit Use of Density from Adjacent Residential Property Without Parcel Consolidation (SE in both RA and RC)